



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

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NO. WR-92,470-01

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**EX PARTE DAVID MALCOM STRICKLAND, Applicant**

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**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. S-14-3187CR-HC IN THE 36TH DISTRICT COURT  
FROM SAN PATRICIO COUNTY**

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*Per curiam.*

### **ORDER**

Applicant filed this application for a writ of habeas corpus in the county of conviction, and the district clerk forwarded it to this Court. *See* TEX. CODE CRIM. PROC. art. 11.07. Under Article 11.07 of the Texas Code of Criminal Procedure, a district clerk is required to forward to this Court, among other things, “the application, any answers filed, any motions filed, transcripts of all depositions and hearings, any affidavits, and any other matters such as official records used by the court in resolving issues of fact.” *Id.* at § 3(d); *see also* TEX. R. APP. P. 73.4(b)(4). The record forwarded to this Court appears, however, to be incomplete.

On January 26, 2022, this Court ordered the district clerk to supplement the record by

forwarding to this Court a copy of the June 15, 2021, “Amended Writ”; the DNA Solutions Lab Report that was purportedly attached as Exhibit A to Applicant’s Oct. 26, 2018 “Motion to Reverse and Render,” as well as his “Motion for New Trial & DNA Testing,” filed in the course of the direct appeal; and a USB copy of Mary Kristene Chapa’s hospital interview, purportedly attached as Exhibit 3 to Applicant’s March 3, 2021 “Motion for Evidentiary Hearing” and as Exhibit 10 to his “Motion for New Trial & DNA Testing.” The clerk was ordered to forward these materials or certify in writing that these materials are not part of the record. The clerk was ordered to respond within thirty days from the date of the order but the clerk has not responded to this Court’s order.

We remand this application to the trial court, which shall ensure that the habeas record is supplemented with the “Amended Writ”; the DNA Solutions Lab Report; and the recording of the hospital interview. *See* TEX. R. APP. P. 73.4(b)(4). Alternatively, the court shall certify in writing that these materials are not part of the record. The trial court shall respond within thirty days from the date of this order. Any extensions of time must be requested by the trial court and obtained from this Court.

Filed: April 12, 2023  
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